REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. With this amendment, claims 1, 14, and 57 have been amended, no claims have been cancelled, and no claims have been added. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. Thus, claims 1-4, 7-16, 19-21 and 54-59 remain pending in the application. Support for the amendments to claims 1, 14, and 57 can be found in the disclosure in at least paragraph [0038]. No new matter has been added.

Claim Rejections under 35 USC § 112, second paragraph

Claims 1-4, 7-16, 19-21, 54, and 55 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the term "similar" was found to be indefinite. Applicants respectfully traverse the rejection.

Independent claims 1 and 14 have been amended to remove the term “similar.” Therefore, the rejection is moot.

Claim Rejections under 35 USC § 103

Claims 1-4, 7-12, 19-21, 54, 56, and 57 were rejected under 35 U.S.C. 103(a) as being unpatentable over Li (WO 02/031463 A2, Apr. 18, 2002) in view of DeNuzzio et al. (WO 2004/001404 A1, published on December 31, 2003 and filed on June 19, 2003),

Chazalviel et al. (Applied Spectroscopy, 1993, Vol. 47, pp1411-1416), and Yoshida et al. (JP 07-1 84883 A, July 25, 1995). Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Li (WO 02/031463 A2, Apr. 18, 2002) in view of DeNuzzio et al. (WO 2004/001404 A1, published on December 31, 2003 and filed on June 19, 2003), Chazalviel et al. (Applied Spectroscopy, 1993, Vol. 47, pp1411-1416), and Yoshida et al. (JP 07-184883 A, July 25, 1995) as applied to claims 1 and 10 above, and further in view of Dai et al. (U.S. Patent No. 6,528,020, Mar. 4, 2003). Claims 14-16, 55, and 58 were rejected under 35 U.S.C. 103(a) as being unpatentable over Li (WO 021031 463 A2, Apr. 18, 2002) in view of DeNuzzio et al. (WO 0041001404 A1, published on December 31, 2003 and filed on June 19, 2003), Ito (U.S. Patent No. 5,384,028, Jan. 24, 1995), and Girault et al. (U.S. Patent No. 5,512,489, Apr. 30, 1996). Claim 59 was rejected under 35 U.S.C. 103(a) as being unpatentable over Li (WO 021031463 A2, Apr. 18, 2002) in view of DeNuzzio et al. (WO 20041001404 A1, published on December 31, 2003 and filed on June 19, 2003), Ito (U.S. Patent No. 5,384,028, Jan. 24, 1995), and Girault et al. (U.S. Patent No. 5,512,489, Apr. 30, 1996) as applied to claim 14 above, and further in view of Torch (U.S. Patent No. 6,163,281, Dec. 19, 2000) and Wohlstadter et al. (U.S. Patent No. 6,090,545, July 18, 2000). Applicants respectfully traverse the rejection.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). *See also* MPEP 2143.03. Independent claims 1 and 14 have

been amended to recite, "a self-assembled interlayer configured to modulate a coverage on at least one of the first or second electrodes." This feature is neither taught nor suggested by any of the applied references.

Li teaches a "column-and-row addressable, high-density, enhanced-sensitivity biochip array." (Li, Abstract). Ito teaches a "biosensor is provided with a memory for storing data." (Ito, Abstract). DeNuzzio teaches, "sensors microfabricated with multiple working electrodes and a single, common counter electrode. (DeNuzzio, Abstract). Chazalviel teaches modulated infrared spectroscopy at an electrochemical interface. (Chazalviel, Abstract). Dai teaches "an assembly of novel nanotube devices that can be employed as chemical and biological sensors." (Dai, Abstract). Ito teaches "a biosensor is provided with a memory for storing data." (Ito, Abstract). Girault teaches a microelectrode that can be used for assay methods and in an assay unit. (Girault, Abstract). Yoshida teaches an ATR prism attached to an infrared absorption analysis equipment. (Yosahida, Abstract). Torch teaches "A system and method for communication using movement of a person's eye." (Torch, Abstract). Wohlstadter teaches "patterned multi-array, multi-specific surfaces which are electronically excited for use in electrochemiluminescence based tests." (Wohlstadter, Abstract). None of these reference teach "a self-assembled interlayer configured to modulate a coverage on at least one of the first or second electrodes" as recited in claims 1 and 14. Indeed, one of ordinary skill in the art at the time of the invention reading these references would not have found any articulated reasoning or rational basis for providing "a self-assembled interlayer configured to modulate a coverage on at least one of the first or

second electrodes" as recited in claims 1 and 14. Therefore, none of the applied references, either singly or in combination, would have rendered obvious to one of ordinary skill in the art at the time of the invention claims 1 and 14 or any of the claims that depend from these claims. Applicants, therefore respectfully request withdrawal of the rejections.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance. The Director is authorized to charge any fees necessary and/or credit any overpayments to Deposit Account No. 03-3975, referencing Docket No. 043395-0377973.

Respectfully submitted,

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